

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

Kenrard D. Broussard
La. Doc. #387088

Civil Action 14-00433

versus

Judge Richard T. Haik, Sr.

Avoyelles Correctional Center

Magistrate Judge C. Michael Hill

AMENDED JUDGMENT

Before the Court is petitioner's Traverse To Supplemental Report and Recommendation [Rec. Doc. 17] objecting to the Magistrate Judge's Supplemental Report and Recommendation. The Court adopted the Supplemental Report and Recommendation without objection on March 6, 2015 and petitioner filed this timely objection on March 16, 2015. *R. 17.* In light of its inadvertent mistake, the Court has considered petitioner's objection in reconsideration of its March 6, 2015 Judgment and issues the following Amended Judgment:

The Magistrate Judge issued a Report and Recommendation on November 12, 2014 recommending that Petitioner's habeas corpus action be dismissed as barred by the one-year limitation period codified at 28 U.S.C. § 2244(d). On November 21, 2014, Petitioner objected to the Report and Recommendation arguing that his August 15, 2014 writ application in the Louisiana Supreme Court was timely filed based on his May 17, 2014 request for an extension. Petitioner attached to his objection a copy of a letter from the Louisiana Supreme Court dated May 21, 2013, assigning a docket number to his case as well as a copy of his August 15, 2013 writ application. The Court ordered the Magistrate Judge to review the record regarding Petitioner's

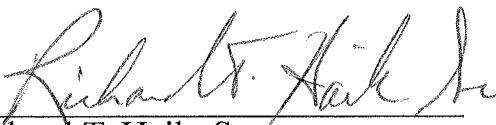
objection. On February 5, 2015, the Magistrate Judge ordered the Clerk of the Louisiana Supreme Court to provide copies of the entire record of Petitioner's state court suit. On March 5, 2015, the Magistrate judge issued a Supplemental Report and Recommendation confirming that Petitioner's writ application was untimely as the Louisiana Supreme Court record revealed the court never granted Petitioner's Motion for Extension of Time.

For the reasons contained in the Supplemental Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the entire record, including petitioner's objection entitled, "Plaintiff's Traverse To Supplemental Report And Recommendation," the Court concludes that the Supplemental Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own. Accordingly,

IT IS ORDERED that the Court's March 6, 2015 Judgment [Rec. Doc. 16] is **VACATED**.

IT IS FURTHER ORDERED that Kenrard D. Broussard's Petition for Writ of Habeas Corpus Pursuant to Title 28 U.S.C. § 2254 is **DENIED AND DISMISSED WITH PREJUDICE**.

Thus done and signed this 17th day of March, 2015 at Lafayette, Louisiana.


Richard T. Haik, Sr.
U.S. District Judge